

**REMARKS**

Applicants respectfully request reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

**Status of Claims:**

No claims are currently being cancelled.

Claims 19 and 21 are currently being amended.

No claims are currently being added.

This amendment and reply amends claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claims remain under examination in the application, is presented, with an appropriate defined status identifier.

After amending the claims as set forth above, claims 18-32 are pending in this application.

**Claim Rejections – Written Description:**

In the final Office Action, claims 19 and 21 were rejected under 35 U.S.C. § 112, 1<sup>st</sup> paragraph, as failing to comply with the written description requirement, for the reasons set forth on page 2 of the final Office Action. By way of this amendment and reply, claims 19 and 21 have been amended based on the comments made on page 2 of the final Office Action, whereby presently pending claims 19 and 21 are believed to fully comply with 35 U.S.C. § 112, 1<sup>st</sup> paragraph.

**Claim Rejections – Prior Art:**

In the final Office Action, claims 18, 20, 22, 23 and 27 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,907,307 to Bickert in view of U.S. Patent No. 7,132,987 to Olsson; claims 28, 31 and 32 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Bickert in view of Olsson and further in view of U.S. Patent No. 7,031,762 to Shoji et al.; claim 24 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Bickert in view of Olsson and further in view of U.S. Patent No. 6,590,544 to Filipovic; claims 25, 26 and 29 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Bickert in view of Olsson and further in view of U.S. Patent No. 6,615,026

to Wong; claim 30 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Bickert in view of Olsson and further in view of U.S. Patent Publication No. 2002/0142794 to Harano; and claims 19 and 21 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Bickert in view of Olsson and further in view of U.S. Patent No. 6,615,026 to Wong and U.S. Patent Publication No. 2003/0232628 to Fehrm. These rejections are traversed for the reasons given below.

Presently pending independent claim 18 recites:

*A portable telephone comprising:*

*a casing,*

*an antenna mounted on an end of said casing; and*

*a dielectric member having a relative dielectric constant of more than one and little loss;*

*wherein said dielectric member is directly connected to a side of said antenna and to no other side of said antenna, said side of said antenna being positioned farther away from a body of a user than all other sides of said antenna when the user is operating said portable telephone.*

Referring now to the drawings of the present application, a dielectric member (17, 17A, 17B, 27A, 27B, 53) having a relative dielectric constant of more than one is directly connected to a side of an antenna (16, 16A, 16B, 26A, 26B, 52). This is shown in Figures 1 to 5, 10 and 11 of the drawings.

The above-mentioned feature recited in new independent claim 18 produces an advantageous effect in that more electromagnetic waves radiated from the antenna 16 can be concentrated on the side opposite to the human body, resulting in a relative decrease in electromagnetic energy loss due to the human body, as described on page 5, lines 13 to 22, and on page 11, next-to-last line to page 1, line 5 of the specification.

In contrast, Bickert discloses a dielectric member 12 that is disposed with respect to an antenna 10, as shown in Figure 2 of Bickert. As Figure 2 of Bickert is a cross-sectional view of a portion of Figure 3 of Bickert, it is clear that the dielectric member 12 is not directly connected to a side of the antenna 10 and to no other side of the antenna 10, as explicitly recited in independent claim 18. Independent claim 18 also recites that the side of the

antenna which is directly connected to the dielectric member is positioned farther away from a body of a user than all other sides of the antenna when the user is operating the portable telephone. Since Bickert's antenna 10 is connected to his dielectric member 12 at a plurality of sides of his antenna 10, whereby some of those sides are closer to a body of a user of the phone 18 than other sides, Bickert does not teach or suggest all of the features recited in independent claim 18.

The final Office Action appears to recognize this deficiency of Bickert, and relies on Olsson to teach the above feature that is missing in Bickert. However, as is clear from column 4, lines 18-21 of Olsson, "the antenna traces 21 and 22 are provided on the 'rear surface' of the flexible dielectric film 26, 27 as viewed in FIG. 3, i.e. the surface that faces the rear side of the mobile telephone 1." Thus, the side of the antenna traces 21, 22 with is directly connected to the dielectric members 26, 27 is positioned closer to the body of the user of the mobile telephone 1 than other sides of the antenna traces 21, 22.

Therefore, independent claim 18 patentably distinguishes over the combined teachings of Bickert and Olsson.

With respect to dependent claim 21, that claim now recites:

*wherein said casing includes a lower casing on which a keyboard is disposed and an upper casing on which a speaker and a display screen are disposed;*

*wherein said antenna includes a lower antenna mounted on an lower end of said lower casing and an upper antenna mounted on an upper end of said upper casing;*

*wherein said dielectric member includes a lower dielectric member and an upper dielectric member;*

*wherein said lower dielectric member is directly connected to a front side of said antenna in which no other element except said casing is connected to said dielectric member, said front side of said antenna being positioned farther away from a palm as the body of the user when the user is holding said lower casing within the palm in order to operate the portable telephone;*

*wherein said upper dielectric member is directly connected to a back side of said antenna, said back side of said antenna being positioned farther away from a head as the*

*body of the user when the user is holding said upper casing adjacently the head in order to operate the portable telephone.*

In its rejection of claim 21, the final Office Action refers to Wong to teach that a dielectric member 18 is directly connected to a front side of an antenna 12, in which the front side of the antenna is positioned farther away from a palm as the body of the user when the user is holding the lower casing within the palm in order to operate the portable telephone.

However, Wong's disposition of his dielectric member 18 is within a housing of his mobile telephone at a middle section of his mobile telephone, as seen in Figure 1 of Wong, whereby Wong's utilizes a dielectric member 18 because he also utilizes a metallic surface 14 within the housing of his mobile telephone, whereby the purpose of the dielectric member 18 is to maintain the size of the mobile telephone to be within acceptable limits.

Since the present invention according to claim 21 does not provide an antenna and a dielectric member within a housing of a mobile telephone, and since the present invention according to claim 21 has recites *that the lower dielectric member is directly connected to a front side of the antenna in which no other element except the casing is connected to the dielectric member*, which is a structure not possible in the mobile telephone of Wong (since Wong's dielectric member 18 is connected to both an antenna 12 and to a metallic surface 14), Wong does not teach or suggest all of the specific features recited in presently pending claim 21.

Accordingly, presently pending dependent claim 21, as well as presently pending dependent claim 19 that recites similar features, patentably distinguish over the combined teachings of Bickert, Olsson, Fehrm and Wong.

**Conclusion:**

Since all of the issues raised in the final Office Action have been addressed in this Amendment and Reply, Applicants believe that the present application is now in condition for allowance, and an early indication of allowance is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check or credit card payment form being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicants hereby petition for such extension under 37 C.F.R. §1.136 and authorize payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

Date 6/30/2005

By G.C.B.

FOLEY & LARDNER LLP  
Customer Number: 22428  
Telephone: (202) 945-6014  
Facsimile: (202) 672-5399

George C. Beck  
Registration No. 38,072

Phillip J. Articola  
Registration No. 38,819